

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

DALE CONRAD McQUISTON,)
Petitioner,)
v.) No. 2:10-cv-37-WTL-DML
WARDEN H.J. MARBERRY,)
Superintendent,)
Respondent.)

Entry Directing Further Proceedings

I.

The petitioner's motion filed on April 8, 2010, draws attention to the fact—as the petitioner asserts it to be a fact—that he consented to the Bureau of Prisons to collect certain funds from his prison wages pursuant to the Inmate Financial Responsibility Program. He characterizes this consent as leading to a “coerced agreement.”

The foregoing raises three questions which the petitioner should promptly address.

- ! The first question relates to the nature of the action the petitioner has brought. It is an action for habeas corpus relief pursuant to 28 U.S.C. § 2241. Habeas corpus review is available only “where the deprivation of rights is such that it necessarily impacts the fact or length of detention.” *Leamer v. Fauver*, 288 F.3d 532, 540 (3d Cir. 2002). The first question is therefore this: How does the petitioner's claim in this action support or relate to a challenge to either the fact or duration of the petitioner's confinement?
- ! The second question is this: In what way was his most recent agreement for the Bureau of Prisons to collect certain funds from his prison wages pursuant to the Inmate Financial Responsibility Program?

II.

The time within which the respondent shall have to answer the allegations of the petition for a writ of habeas corpus is **extended until further order**.

IT IS SO ORDERED.

Date: 04/21/2010

Distribution:

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Hon. William T. Lawrence, Judge
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